

AGENDA MEMO

CITY COUNCIL MEETING DATE: JANUARY 16, 2008

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: EOT-25901 - APPLICANT/OWNER: MAGIC HAND, LLC

**** CONDITIONS ****

STAFF RECOMMENDATION: APPROVAL, subject to:

Planning and Development

1. This Special Use Permit (SUP-10459) shall expire on 2/15/09 unless another Extension of Time is approved.
2. Conformance to the Conditions of Approval for Special Use Permit (SUP-10459) and all other subsequent related cases and as required by the Planning and Development Department and the Department of Public Works.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This application is a request for an Extension of Time of an approved Special Use Permit (SUP-10459) for General Business-related Gaming Establishment within an existing Car Wash. The proposed use is located at 4450 East Washington Avenue.

A previous Extension of Time (EOT-19572) was approved by the City Council for a one-year approval from the original approval date that expired 12/15/07. Since that time the applicant has not made any substantial progress toward obtaining a Business License for the approved use at this time. The existing facility currently supports a Car Wash and some minor retail uses; the proposed General Business-related Gaming Establishment requires that the applicant secure an approved business license within a one-year time frame from the most recent approval in order to exercise the Special Use Permit entitlement.

Staff recommends a one-year extension of time in order for the applicant to obtain the appropriate business license.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
9/08/97	The City Council approved a request to Rezone (Z-0075-97) the west portion of this property from R-E (Residence Estates) Zone to C-1 (Limited Commercial) Zone.
1/26/98	The City Council approved a request to Rezone (Z-0105-97) the east portion of this property from R-E (Residence Estates) Zone and R-1 (Single Family Residential) Zone to C-1 (Limited Commercial) Zone.
4/08/98	The Planning Commission approved requests for Site Development Plan Reviews [Z-00075-97(1) and Z-0105-97(1)] for a Shopping Center on this site.
11/04/99	The Planning Commission approved a request for a Tentative Map (TM-0047-99) on this site.
12/15/99	The City Council approved a request for a Site Development Plan Review on this property for a proposed commercial center [Z-0075-97(2) and Z-0105-97(2)], a request for a Special Use Permit (U-0114-99) for a proposed 12,500 square-foot, two-story Assisted Living Facility and a Special Use Permit (U-0115-99) for a 3,500 square-foot Car Wash.
2/15/06	The City Council approved a Special Use Permit (SUP-10459) for a General Business-Related Gaming Establishment within an existing Car Wash at 4450 East Washington Avenue. The Planning Commission recommended approval on 1/12/06.

3/21/07	The City Council approved a request for an Extension of Time (EOT-19572) of an approved Special Use Permit (SUP-10459) for a General Business-Related Gaming Establishment within an existing Car Wash Permit at 4450 East Washington Avenue to expire 12/15/07.
<i>Related Building Permits/Business Licenses</i>	
4/27/05	Business License #C02-00365 issued for Car Wash.
4/27/05	Business License #C05-02377 issued for Tobacco Sales.
4/27/05	Business License #C08-01695 issued for coin-operated amusement machines.
4/27/05	Business License #C15-00329 issued for convenience store.
<i>Pre-Application Meeting</i>	
A pre-application meeting is not required, nor was one held.	
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required, nor was one held.	

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.69 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Car Wash	SC (Service Commercial)	C-1 (Limited Commercial)
North	Commercial Center/ Undeveloped	SC (Service Commercial)	R-E (Residence Estates) under Resolution of Intent to C-1 (Limited Commercial)
South	Single-Family Residential	M (Medium Density Residential)	R-PD15 (Residential Planned Development – 15 Units per Acre)
East	Undeveloped	SC (Service Commercial)	C-1 (Limited Commercial) under Resolution of Intent to C-1 (Limited Commercial)
West	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	NA
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts		X	NA
Trails		X	NA
Rural Preservation Overlay District		X	NA
Development Impact Notification Assessment		X	NA
Project of Regional Significance		X	NA

ANALYSIS

This is the second Extension of Time request for the approved Special Use Permit (SUP-10459) the proposed General Business-Related Gaming Establishment use within an existing Car Wash. The applicant has not made any progress towards securing a business license for the proposed use. The approved Special Use Permit (SUP-10459) would be exercised upon the issuance of a business license for a General Business-Related Gaming Establishment by no-later-than 2/15/09. Staff finds that a one-year Extension of Time is appropriate for the applicant to secure the approved entitlements.

FINDINGS

It is important to note that the approved Special Use Permit (SUP-10459) was required to conform to the conditions of approval for Site Development Plan Review Z-0105(1) and Special Use Permit U-0115-99. In particular, the current landscaping is deficient from the approved landscape plans depicted on the Landscape Plans provided with Site Development Plan Review Z-0105(1). Staff recommends approval of a one-year Extension of Time in order for the applicant to complete the development in accordance with the previous approvals and to secure the required business license.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

N/A

ASSEMBLY DISTRICT N/A

SENATE DISTRICT N/A

NOTICES MAILED N/A

APPROVALS 0

PROTESTS 0